

Ralph C. Spooner, OSB No. 732880

E-mail: rspooner@smapc.com

David E. Smith, OSB No. 124591

Email: dsmith@smapc.com

SPOONER & MUCH, P.C.

530 Center Street N.E., Suite 712

Salem, OR 97301

Phone: 503-378-7777

Fax: 503-588-5899

Of Attorneys for Defendant State Farm
Mutual Automobile Insurance Company

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

EUGENE DIVISION

MELODY J. SPEAR,

Plaintiff,

Case No. 6:22-cv-00113-MK

vs.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, and/or its/their
unknown business entity and/or subsidiary, a
foreign business corporation,

**ORDER DIRECTING THE CLERK TO
ENTER A JUDGMENT**

Defendant.

THIS MATTER came on before the court on the Stipulation of the attorneys for the plaintiff and defendant, and the court being fully advised and that the parties are requesting that the Clerk of this Court or Deputy Clerk enter a Judgment as follows:

- (1) damages in the amount of \$200,000 awarded to plaintiff against defendant;
- (2) costs, disbursements, and attorney fees in the amount of \$18,000 awarded to plaintiff against defendant;

(3) defendant is preserving its rights to appeal this judgment, including the Opinion and Order of this court on February 6, 2023 (Dkt. 32), in which the court denied defendant's Motion for Summary Judgment (Dkt. 11) and granted the plaintiff's Motion for Partial Summary Judgment (Dkt. 17);

(4) neither party is waiving any of their respective rights or legal arguments with respect to the legal issues in dispute in the defendant's Motion for Summary Judgment (Dkt. 11) and the plaintiff's Motion for Partial Summary Judgment (Dkt. 17);

(5) the court recognizes the stated purpose of the stipulation by the parties is to affix the amount of the plaintiff's damages so that an appealable judgment can be entered; and

(6) plaintiff may resolve any claims of pre-judgment interest by motion, hearing, and supplemental order and judgment at the conclusion of any appeal from the instant judgment.

IT IS SO ORDERED.

DATED this 2nd day of May 2023.

s/ Mustafa T. Kasubhai
MUSTAFA T. KASUBHAI (He / Him)
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **ORDER DIRECTING THE CLERK TO ENTER A JUDGMENT** to the following:

Jeffrey Paul Thayer, OSB No. 983592
The Gatti Law Firm
235 Front Street SE, Suite 200
Salem, OR 97302
Fax: (503)-371-2482
E-mail address: jthayer@gattilaw.com
Attorney for *Plaintiff*

Travis Eiva, OSB No. 052440
Eiva Law
1165 Pearl Street
Eugene, OR 97401
Fax: 458-205-8658
E-mail address: travis@eivalaw.com
Of Attorneys for *Plaintiff*

- ☒ by emailing a copy to said attorney at the above email address with consent of counsel;
- ☐ by mailing a copy in a sealed, first-class, postage prepaid envelope, addressed to said attorneys at the above address and deposited in the U.S. Mail;
- ☒ by serving correct copies thereof, certified by me as such, to attorneys via the United States District Court for the District of Oregon's CM/ECF filing system.

DATED this 3rd day of April, 2023.

s/ Ralph C. Spooner
RALPH C. SPOONER, OSB# 732880
Spooners & Much, P.C.
Attorneys for Defendant State Farm
E-mail: rspooner@smapc.com
Fax: (503) 588-5899